

**VICTIM RESTITUTION RECORDS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ken Ivory**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill places restrictions on crime victim records.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides that crime victim records are not public;
- ▶ allows for the release of crime victim records relating to victim restitution under certain circumstances; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63G-2-305**, as last amended by Laws of Utah 2021, Chapters 148, 179, 231, 353, 373, and 382

**63G-2-305.5**, as last amended by Laws of Utah 2021, Chapter 231

**63M-7-502**, as last amended by Laws of Utah 2021, Chapter 260

ENACTS:



28 [63M-7-527](#), Utah Code Annotated 1953



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **63G-2-305** is amended to read:

32 **63G-2-305. Protected records.**

33 The following records are protected if properly classified by a governmental entity:

34 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret  
35 has provided the governmental entity with the information specified in Section [63G-2-309](#);

36 (2) commercial information or nonindividual financial information obtained from a  
37 person if:

38 (a) disclosure of the information could reasonably be expected to result in unfair  
39 competitive injury to the person submitting the information or would impair the ability of the  
40 governmental entity to obtain necessary information in the future;

41 (b) the person submitting the information has a greater interest in prohibiting access  
42 than the public in obtaining access; and

43 (c) the person submitting the information has provided the governmental entity with  
44 the information specified in Section [63G-2-309](#);

45 (3) commercial or financial information acquired or prepared by a governmental entity  
46 to the extent that disclosure would lead to financial speculations in currencies, securities, or  
47 commodities that will interfere with a planned transaction by the governmental entity or cause  
48 substantial financial injury to the governmental entity or state economy;

49 (4) records, the disclosure of which could cause commercial injury to, or confer a  
50 competitive advantage upon a potential or actual competitor of, a commercial project entity as  
51 defined in Subsection [11-13-103\(4\)](#);

52 (5) test questions and answers to be used in future license, certification, registration,  
53 employment, or academic examinations;

54 (6) records, the disclosure of which would impair governmental procurement  
55 proceedings or give an unfair advantage to any person proposing to enter into a contract or  
56 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this  
57 Subsection (6) does not restrict the right of a person to have access to, after the contract or  
58 grant has been awarded and signed by all parties:

59 (a) a bid, proposal, application, or other information submitted to or by a governmental  
60 entity in response to:

61 (i) an invitation for bids;

62 (ii) a request for proposals;

63 (iii) a request for quotes;

64 (iv) a grant; or

65 (v) other similar document; or

66 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

67 (7) information submitted to or by a governmental entity in response to a request for  
68 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict  
69 the right of a person to have access to the information, after:

70 (a) a contract directly relating to the subject of the request for information has been  
71 awarded and signed by all parties; or

72 (b) (i) a final determination is made not to enter into a contract that relates to the  
73 subject of the request for information; and

74 (ii) at least two years have passed after the day on which the request for information is  
75 issued;

76 (8) records that would identify real property or the appraisal or estimated value of real  
77 or personal property, including intellectual property, under consideration for public acquisition  
78 before any rights to the property are acquired unless:

79 (a) public interest in obtaining access to the information is greater than or equal to the  
80 governmental entity's need to acquire the property on the best terms possible;

81 (b) the information has already been disclosed to persons not employed by or under a  
82 duty of confidentiality to the entity;

83 (c) in the case of records that would identify property, potential sellers of the described  
84 property have already learned of the governmental entity's plans to acquire the property;

85 (d) in the case of records that would identify the appraisal or estimated value of  
86 property, the potential sellers have already learned of the governmental entity's estimated value  
87 of the property; or

88 (e) the property under consideration for public acquisition is a single family residence  
89 and the governmental entity seeking to acquire the property has initiated negotiations to acquire

90 the property as required under Section [78B-6-505](#);

91 (9) records prepared in contemplation of sale, exchange, lease, rental, or other  
92 compensated transaction of real or personal property including intellectual property, which, if  
93 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value  
94 of the subject property, unless:

95 (a) the public interest in access is greater than or equal to the interests in restricting  
96 access, including the governmental entity's interest in maximizing the financial benefit of the  
97 transaction; or

98 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of  
99 the value of the subject property have already been disclosed to persons not employed by or  
100 under a duty of confidentiality to the entity;

101 (10) records created or maintained for civil, criminal, or administrative enforcement  
102 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if  
103 release of the records:

104 (a) reasonably could be expected to interfere with investigations undertaken for  
105 enforcement, discipline, licensing, certification, or registration purposes;

106 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement  
107 proceedings;

108 (c) would create a danger of depriving a person of a right to a fair trial or impartial  
109 hearing;

110 (d) reasonably could be expected to disclose the identity of a source who is not  
111 generally known outside of government and, in the case of a record compiled in the course of  
112 an investigation, disclose information furnished by a source not generally known outside of  
113 government if disclosure would compromise the source; or

114 (e) reasonably could be expected to disclose investigative or audit techniques,  
115 procedures, policies, or orders not generally known outside of government if disclosure would  
116 interfere with enforcement or audit efforts;

117 (11) records the disclosure of which would jeopardize the life or safety of an  
118 individual;

119 (12) records the disclosure of which would jeopardize the security of governmental  
120 property, governmental programs, or governmental recordkeeping systems from damage, theft,

121 or other appropriation or use contrary to law or public policy;

122 (13) records that, if disclosed, would jeopardize the security or safety of a correctional  
123 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere  
124 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

125 (14) records that, if disclosed, would reveal recommendations made to the Board of  
126 Pardons and Parole by an employee of or contractor for the Department of Corrections, the  
127 Board of Pardons and Parole, or the Department of Human Services that are based on the  
128 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's  
129 jurisdiction;

130 (15) records and audit workpapers that identify audit, collection, and operational  
131 procedures and methods used by the State Tax Commission, if disclosure would interfere with  
132 audits or collections;

133 (16) records of a governmental audit agency relating to an ongoing or planned audit  
134 until the final audit is released;

135 (17) records that are subject to the attorney client privilege;

136 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,  
137 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,  
138 quasi-judicial, or administrative proceeding;

139 (19) (a) (i) personal files of a state legislator, including personal correspondence to or  
140 from a member of the Legislature; and

141 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of  
142 legislative action or policy may not be classified as protected under this section; and

143 (b) (i) an internal communication that is part of the deliberative process in connection  
144 with the preparation of legislation between:

145 (A) members of a legislative body;

146 (B) a member of a legislative body and a member of the legislative body's staff; or

147 (C) members of a legislative body's staff; and

148 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of  
149 legislative action or policy may not be classified as protected under this section;

150 (20) (a) records in the custody or control of the Office of Legislative Research and  
151 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated

152 legislation or contemplated course of action before the legislator has elected to support the  
153 legislation or course of action, or made the legislation or course of action public; and

154 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the  
155 Office of Legislative Research and General Counsel is a public document unless a legislator  
156 asks that the records requesting the legislation be maintained as protected records until such  
157 time as the legislator elects to make the legislation or course of action public;

158 (21) research requests from legislators to the Office of Legislative Research and  
159 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared  
160 in response to these requests;

161 (22) drafts, unless otherwise classified as public;

162 (23) records concerning a governmental entity's strategy about:

163 (a) collective bargaining; or

164 (b) imminent or pending litigation;

165 (24) records of investigations of loss occurrences and analyses of loss occurrences that  
166 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the  
167 Uninsured Employers' Fund, or similar divisions in other governmental entities;

168 (25) records, other than personnel evaluations, that contain a personal recommendation  
169 concerning an individual if disclosure would constitute a clearly unwarranted invasion of  
170 personal privacy, or disclosure is not in the public interest;

171 (26) records that reveal the location of historic, prehistoric, paleontological, or  
172 biological resources that if known would jeopardize the security of those resources or of  
173 valuable historic, scientific, educational, or cultural information;

174 (27) records of independent state agencies if the disclosure of the records would  
175 conflict with the fiduciary obligations of the agency;

176 (28) records of an institution within the state system of higher education defined in  
177 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,  
178 retention decisions, and promotions, which could be properly discussed in a meeting closed in  
179 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of  
180 the final decisions about tenure, appointments, retention, promotions, or those students  
181 admitted, may not be classified as protected under this section;

182 (29) records of the governor's office, including budget recommendations, legislative

183 proposals, and policy statements, that if disclosed would reveal the governor's contemplated  
184 policies or contemplated courses of action before the governor has implemented or rejected  
185 those policies or courses of action or made them public;

186 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,  
187 revenue estimates, and fiscal notes of proposed legislation before issuance of the final  
188 recommendations in these areas;

189 (31) records provided by the United States or by a government entity outside the state  
190 that are given to the governmental entity with a requirement that they be managed as protected  
191 records if the providing entity certifies that the record would not be subject to public disclosure  
192 if retained by it;

193 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a  
194 public body except as provided in Section 52-4-206;

195 (33) records that would reveal the contents of settlement negotiations but not including  
196 final settlements or empirical data to the extent that they are not otherwise exempt from  
197 disclosure;

198 (34) memoranda prepared by staff and used in the decision-making process by an  
199 administrative law judge, a member of the Board of Pardons and Parole, or a member of any  
200 other body charged by law with performing a quasi-judicial function;

201 (35) records that would reveal negotiations regarding assistance or incentives offered  
202 by or requested from a governmental entity for the purpose of encouraging a person to expand  
203 or locate a business in Utah, but only if disclosure would result in actual economic harm to the  
204 person or place the governmental entity at a competitive disadvantage, but this section may not  
205 be used to restrict access to a record evidencing a final contract;

206 (36) materials to which access must be limited for purposes of securing or maintaining  
207 the governmental entity's proprietary protection of intellectual property rights including patents,  
208 copyrights, and trade secrets;

209 (37) the name of a donor or a prospective donor to a governmental entity, including an  
210 institution within the state system of higher education defined in Section 53B-1-102, and other  
211 information concerning the donation that could reasonably be expected to reveal the identity of  
212 the donor, provided that:

213 (a) the donor requests anonymity in writing;

214 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be  
215 classified protected by the governmental entity under this Subsection (37); and

216 (c) except for an institution within the state system of higher education defined in  
217 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged  
218 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority  
219 over the donor, a member of the donor's immediate family, or any entity owned or controlled  
220 by the donor or the donor's immediate family;

221 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
222 73-18-13;

223 (39) a notification of workers' compensation insurance coverage described in Section  
224 34A-2-205;

225 (40) (a) the following records of an institution within the state system of higher  
226 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,  
227 or received by or on behalf of faculty, staff, employees, or students of the institution:

228 (i) unpublished lecture notes;

229 (ii) unpublished notes, data, and information:

230 (A) relating to research; and

231 (B) of:

232 (I) the institution within the state system of higher education defined in Section  
233 53B-1-102; or

234 (II) a sponsor of sponsored research;

235 (iii) unpublished manuscripts;

236 (iv) creative works in process;

237 (v) scholarly correspondence; and

238 (vi) confidential information contained in research proposals;

239 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public  
240 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

241 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

242 (41) (a) records in the custody or control of the Office of the Legislative Auditor  
243 General that would reveal the name of a particular legislator who requests a legislative audit  
244 prior to the date that audit is completed and made public; and

245 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
246 Office of the Legislative Auditor General is a public document unless the legislator asks that  
247 the records in the custody or control of the Office of the Legislative Auditor General that would  
248 reveal the name of a particular legislator who requests a legislative audit be maintained as  
249 protected records until the audit is completed and made public;

250 (42) records that provide detail as to the location of an explosive, including a map or  
251 other document that indicates the location of:

252 (a) a production facility; or

253 (b) a magazine;

254 (43) information:

255 (a) contained in the statewide database of the Division of Aging and Adult Services  
256 created by Section [62A-3-311.1](#); or

257 (b) received or maintained in relation to the Identity Theft Reporting Information  
258 System (IRIS) established under Section [67-5-22](#);

259 (44) information contained in the Licensing Information System described in Title  
260 62A, Chapter 4a, Child and Family Services;

261 (45) information regarding National Guard operations or activities in support of the  
262 National Guard's federal mission;

263 (46) records provided by any pawn or secondhand business to a law enforcement  
264 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and  
265 Secondhand Merchandise Transaction Information Act;

266 (47) information regarding food security, risk, and vulnerability assessments performed  
267 by the Department of Agriculture and Food;

268 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
269 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or  
270 prepared or maintained by the Division of Emergency Management, and the disclosure of  
271 which would jeopardize:

272 (a) the safety of the general public; or

273 (b) the security of:

274 (i) governmental property;

275 (ii) governmental programs; or

276 (iii) the property of a private person who provides the Division of Emergency  
277 Management information;

278 (49) records of the Department of Agriculture and Food that provides for the  
279 identification, tracing, or control of livestock diseases, including any program established under  
280 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
281 of Animal Disease;

282 (50) as provided in Section 26-39-501:

283 (a) information or records held by the Department of Health related to a complaint  
284 regarding a child care program or residential child care which the department is unable to  
285 substantiate; and

286 (b) information or records related to a complaint received by the Department of Health  
287 from an anonymous complainant regarding a child care program or residential child care;

288 (51) unless otherwise classified as public under Section 63G-2-301 and except as  
289 provided under Section 41-1a-116, an individual's home address, home telephone number, or  
290 personal mobile phone number, if:

291 (a) the individual is required to provide the information in order to comply with a law,  
292 ordinance, rule, or order of a government entity; and

293 (b) the subject of the record has a reasonable expectation that this information will be  
294 kept confidential due to:

295 (i) the nature of the law, ordinance, rule, or order; and  
296 (ii) the individual complying with the law, ordinance, rule, or order;

297 (52) the portion of the following documents that contains a candidate's residential or  
298 mailing address, if the candidate provides to the filing officer another address or phone number  
299 where the candidate may be contacted:

300 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
301 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,  
302 20A-9-408.5, 20A-9-502, or 20A-9-601;

303 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or  
304 (c) a notice of intent to gather signatures for candidacy, described in Section  
305 20A-9-408;

306 (53) the name, home address, work addresses, and telephone numbers of an individual

307 that is engaged in, or that provides goods or services for, medical or scientific research that is:

308 (a) conducted within the state system of higher education, as defined in Section

309 [53B-1-102](#); and

310 (b) conducted using animals;

311 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance

312 Evaluation Commission concerning an individual commissioner's vote on whether or not to

313 recommend that the voters retain a judge including information disclosed under Subsection

314 [78A-12-203](#)(5)(e);

315 (55) information collected and a report prepared by the Judicial Performance

316 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter

317 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,

318 the information or report;

319 (56) records provided or received by the Public Lands Policy Coordinating Office in

320 furtherance of any contract or other agreement made in accordance with Section [63L-11-202](#);

321 (57) information requested by and provided to the 911 Division under Section

322 [63H-7a-302](#);

323 (58) in accordance with Section [73-10-33](#):

324 (a) a management plan for a water conveyance facility in the possession of the Division  
325 of Water Resources or the Board of Water Resources; or

326 (b) an outline of an emergency response plan in possession of the state or a county or  
327 municipality;

328 (59) the following records in the custody or control of the Office of Inspector General  
329 of Medicaid Services, created in Section [63A-13-201](#):

330 (a) records that would disclose information relating to allegations of personal  
331 misconduct, gross mismanagement, or illegal activity of a person if the information or  
332 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services  
333 through other documents or evidence, and the records relating to the allegation are not relied  
334 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation  
335 report or final audit report;

336 (b) records and audit workpapers to the extent they would disclose the identity of a  
337 person who, during the course of an investigation or audit, communicated the existence of any

338 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or  
339 regulation adopted under the laws of this state, a political subdivision of the state, or any  
340 recognized entity of the United States, if the information was disclosed on the condition that  
341 the identity of the person be protected;

342 (c) before the time that an investigation or audit is completed and the final  
343 investigation or final audit report is released, records or drafts circulated to a person who is not  
344 an employee or head of a governmental entity for the person's response or information;

345 (d) records that would disclose an outline or part of any investigation, audit survey  
346 plan, or audit program; or

347 (e) requests for an investigation or audit, if disclosure would risk circumvention of an  
348 investigation or audit;

349 (60) records that reveal methods used by the Office of Inspector General of Medicaid  
350 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or  
351 abuse;

352 (61) information provided to the Department of Health or the Division of Occupational  
353 and Professional Licensing under Subsections [58-67-304](#)(3) and (4) and Subsections  
354 [58-68-304](#)(3) and (4);

355 (62) a record described in Section [63G-12-210](#);

356 (63) captured plate data that is obtained through an automatic license plate reader  
357 system used by a governmental entity as authorized in Section [41-6a-2003](#);

358 [~~(64) any record in the custody of the Utah Office for Victims of Crime relating to a~~  
359 ~~victim, including:~~]

360 [~~(a) a victim's application or request for benefits;~~]

361 [~~(b) a victim's receipt or denial of benefits; and~~]

362 [~~(c) any administrative notes or records made or created for the purpose of, or used to,~~  
363 ~~evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim~~  
364 ~~Reparations Fund;]~~

365 [~~(65)~~] (64) an audio or video recording created by a body-worn camera, as that term is  
366 defined in Section [77-7a-103](#), that records sound or images inside a hospital or health care  
367 facility as those terms are defined in Section [78B-3-403](#), inside a clinic of a health care  
368 provider, as that term is defined in Section [78B-3-403](#), or inside a human service program as

369 that term is defined in Section 62A-2-101, except for recordings that:

370 (a) depict the commission of an alleged crime;

371 (b) record any encounter between a law enforcement officer and a person that results in  
372 death or bodily injury, or includes an instance when an officer fires a weapon;

373 (c) record any encounter that is the subject of a complaint or a legal proceeding against  
374 a law enforcement officer or law enforcement agency;

375 (d) contain an officer involved critical incident as defined in Subsection  
376 76-2-408(1)(f); or

377 (e) have been requested for reclassification as a public record by a subject or  
378 authorized agent of a subject featured in the recording;

379 [(66)] (65) a record pertaining to the search process for a president of an institution of  
380 higher education described in Section 53B-2-102, except for application materials for a  
381 publicly announced finalist;

382 [(67)] (66) an audio recording that is:

383 (a) produced by an audio recording device that is used in conjunction with a device or  
384 piece of equipment designed or intended for resuscitating an individual or for treating an  
385 individual with a life-threatening condition;

386 (b) produced during an emergency event when an individual employed to provide law  
387 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

388 (i) is responding to an individual needing resuscitation or with a life-threatening  
389 condition; and

390 (ii) uses a device or piece of equipment designed or intended for resuscitating an  
391 individual or for treating an individual with a life-threatening condition; and

392 (c) intended and used for purposes of training emergency responders how to improve  
393 their response to an emergency situation;

394 [(68)] (67) records submitted by or prepared in relation to an applicant seeking a  
395 recommendation by the Research and General Counsel Subcommittee, the Budget  
396 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an  
397 employment position with the Legislature;

398 [(69)] (68) work papers as defined in Section 31A-2-204;

399 [(70)] (69) a record made available to Adult Protective Services or a law enforcement

400 agency under Section 61-1-206;

401 ~~[(71)]~~ (70) a record submitted to the Insurance Department in accordance with Section

402 31A-37-201;

403 ~~[(72)]~~ (71) a record described in Section 31A-37-503;

404 ~~[(73)]~~ (72) any record created by the Division of Occupational and Professional

405 Licensing as a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

406 ~~[(74)]~~ (73) a record described in Section 72-16-306 that relates to the reporting of an

407 injury involving an amusement ride;

408 ~~[(75)]~~ (74) except as provided in Subsection 63G-2-305.5(1), the signature of an

409 individual on a political petition, or on a request to withdraw a signature from a political

410 petition, including a petition or request described in the following titles:

411 (a) Title 10, Utah Municipal Code;

412 (b) Title 17, Counties;

413 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;

414 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

415 (e) Title 20A, Election Code;

416 ~~[(76)]~~ (75) except as provided in Subsection 63G-2-305.5(2), the signature of an

417 individual in a voter registration record;

418 ~~[(77)]~~ (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than

419 a signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a

420 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

421 ~~[(78)]~~ (77) a Form I-918 Supplement B certification as described in Title 77, Chapter

422 38, Part 5, Victims Guidelines for Prosecutors Act;

423 ~~[(79)]~~ (78) a record submitted to the Insurance Department under Subsection

424 31A-48-103(1)(b);

425 ~~[(80)]~~ (79) personal information, as defined in Section 63G-26-102, to the extent

426 disclosure is prohibited under Section 63G-26-103;

427 ~~[(81)]~~ (80) (a) an image taken of an individual during the process of booking the

428 individual into jail, unless:

429 (i) the individual is convicted of a criminal offense based upon the conduct for which

430 the individual was incarcerated at the time the image was taken;

431 (ii) a law enforcement agency releases or disseminates the image after determining  
432 that:

433 (A) the individual is a fugitive or an imminent threat to an individual or to public  
434 safety; and

435 (B) releasing or disseminating the image will assist in apprehending the individual or  
436 reducing or eliminating the threat; or

437 (iii) a judge orders the release or dissemination of the image based on a finding that the  
438 release or dissemination is in furtherance of a legitimate law enforcement interest.

439 ~~[(82)]~~ (81) a record:

440 (a) concerning an interstate claim to the use of waters in the Colorado River system;

441 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
442 representative from another state or the federal government as provided in Section

443 [63M-14-205](#); and

444 (c) the disclosure of which would:

445 (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
446 Colorado River system;

447 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to  
448 negotiate the best terms and conditions regarding the use of water in the Colorado River  
449 system; or

450 (iii) give an advantage to another state or to the federal government in negotiations  
451 regarding the use of water in the Colorado River system; and

452 ~~[(83)]~~ (82) any part of an application described in Section [63N-16-201](#) that the  
453 Governor's Office of Economic Opportunity determines is nonpublic, confidential information  
454 that if disclosed would result in actual economic harm to the applicant, but this Subsection (83)  
455 may not be used to restrict access to a record evidencing a final contract or approval decision.

456 Section 2. Section [63G-2-305.5](#) is amended to read:

457 **[63G-2-305.5. Viewing or obtaining lists of signatures.](#)**

458 (1) The records custodian of a signature described in Subsection [~~[63G-2-305\(75\)](#)~~]

459 [63G-2-305\(74\)](#) shall, upon request, except for a name or signature classified as private under  
460 Title 20A, Chapter 2, Voter Registration:

461 (a) provide a list of the names of the individuals who signed the petition or request; and

462 (b) permit an individual to view, but not take a copy or other image of, the signatures  
463 on a political petition described in Subsection [~~63G-2-305(75)~~] 63G-2-305(74).

464 (2) The records custodian of a signature described in Subsection [~~63G-2-305(76)~~]  
465 63G-2-305(75) shall, upon request, except for a name or signature classified as private under  
466 Title 20A, Chapter 2, Voter Registration:

467 (a) provide a list of the names of registered voters, excluding the names that are  
468 classified as private under Title 20A, Chapter 2, Voter Registration; and

469 (b) except for a signature classified as private under Title 20A, Chapter 2, Voter  
470 Registration, permit an individual to view, but not take a copy or other image of, the signature  
471 on a voter registration record.

472 (3) Except for a signature classified as private under Title 20A, Chapter 2, Voter  
473 Registration, the records custodian of a signature described in Subsection [~~63G-2-305(77)~~]  
474 63G-2-305(76) shall, upon request, permit an individual to view, but not take a copy or other  
475 image of, a signature.

476 Section 3. Section **63M-7-502** is amended to read:

477 **63M-7-502. Definitions.**

478 As used in this part:

479 (1) "Accomplice" means an individual who has engaged in criminal conduct as  
480 described in Section 76-2-202.

481 (2) "Board" means the Crime Victim Reparations and Assistance Board created under  
482 Section 63M-7-504.

483 (3) "Bodily injury" means physical pain, illness, or any impairment of physical  
484 condition.

485 (4) "Claimant" means any of the following claiming reparations under this part:

486 (a) a victim;

487 (b) a dependent of a deceased victim; or

488 (c) an individual or representative who files a reparations claim on behalf of a victim.

489 (5) "Child" means an unemancipated individual who is under 18 years old.

490 (6) "Collateral source" means any source of benefits or advantages for economic loss  
491 otherwise reparable under this part that the victim or claimant has received, or that is readily  
492 available to the victim from:

- 493 (a) the offender;
- 494 (b) the insurance of the offender or the victim;
- 495 (c) the United States government or any of its agencies, a state or any of its political  
496 subdivisions, or an instrumentality of two or more states, except in the case on nonobligatory  
497 state-funded programs;
- 498 (d) social security, Medicare, and Medicaid;
- 499 (e) state-required temporary nonoccupational income replacement insurance or  
500 disability income insurance;
- 501 (f) workers' compensation;
- 502 (g) wage continuation programs of any employer;
- 503 (h) proceeds of a contract of insurance payable to the victim for the loss the victim  
504 sustained because of the criminally injurious conduct;
- 505 (i) a contract providing prepaid hospital and other health care services or benefits for  
506 disability; or
- 507 (j) veteran's benefits, including veteran's hospitalization benefits.

508 (7) (a) "Confidential victim record" means a record in the custody of the office which  
509 relates to a victim's eligibility for benefits.

510 (b) A confidential victim record includes:

- 511 (i) a victim's application or request for benefits;
- 512 (ii) correspondence regarding the approval or denial of benefits;
- 513 (iii) documents created for the purpose of determining a victim's eligibility for benefits;
- 514 (iv) administrative notes related to the approval and payment of benefits; and
- 515 (v) any record that is not a restitution record as defined in this section.

516 [~~7~~] (8) (a) "Criminally injurious conduct" other than acts of war declared or not  
517 declared means conduct that:

- 518 (i) is or would be subject to prosecution in this state under Section 76-1-201;
- 519 (ii) occurs or is attempted;
- 520 (iii) causes, or poses a substantial threat of causing, bodily injury or death;
- 521 (iv) is punishable by fine, imprisonment, or death if the individual engaging in the  
522 conduct possessed the capacity to commit the conduct; and
- 523 (v) does not arise out of the ownership, maintenance, or use of a motor vehicle,

524 aircraft, or water craft, unless the conduct is intended to cause bodily injury or death, or is  
525 conduct which is or would be punishable under Title 76, Chapter 5, Offenses Against the  
526 Person, or as any offense chargeable as driving under the influence of alcohol or drugs.

527 (b) "Criminally injurious conduct" includes an act of terrorism, as defined in 18 U.S.C.  
528 Sec. 2331 committed outside of the United States against a resident of this state. "Terrorism"  
529 does not include an "act of war" as defined in 18 U.S.C. Sec. 2331.

530 (c) "Criminally injurious conduct" includes a felony violation of Section 76-7-101 and  
531 other conduct leading to the psychological injury of an individual resulting from living in a  
532 setting that involves a bigamous relationship.

533 ~~[(8)]~~ (9) (a) "Dependent" means a natural person to whom the victim is wholly or  
534 partially legally responsible for care or support.

535 (b) "Dependent" includes a child of the victim born after the victim's death.

536 ~~[(9)]~~ (10) "Dependent's economic loss" means loss after the victim's death of  
537 contributions of things of economic value to the victim's dependent, not including services the  
538 dependent would have received from the victim if the victim had not suffered the fatal injury,  
539 less expenses of the dependent avoided by reason of victim's death.

540 ~~[(10)]~~ (11) "Dependent's replacement services loss" means loss reasonably and  
541 necessarily incurred by the dependent after the victim's death in obtaining services in lieu of  
542 those the decedent would have performed for the victim's benefit if the victim had not suffered  
543 the fatal injury, less expenses of the dependent avoided by reason of the victim's death and not  
544 subtracted in calculating the dependent's economic loss.

545 ~~[(11)]~~ (12) "Director" means the director of the office.

546 ~~[(12)]~~ (13) "Disposition" means the sentencing or determination of penalty or  
547 punishment to be imposed upon an individual:

548 (a) convicted of a crime;

549 (b) found delinquent; or

550 (c) against whom a finding of sufficient facts for conviction or finding of delinquency  
551 is made.

552 ~~[(13)]~~ (14) (a) "Economic loss" means economic detriment consisting only of  
553 allowable expense, work loss, replacement services loss, and if injury causes death, dependent's  
554 economic loss and dependent's replacement service loss.

555 (b) "Economic loss" includes economic detriment even if caused by pain and suffering  
556 or physical impairment.

557 (c) "Economic loss" does not include noneconomic detriment.

558 ~~[(14)]~~ (15) "Elderly victim" means an individual 60 years old or older who is a victim.

559 ~~[(15)]~~ (16) "Fraudulent claim" means a filed reparations based on material  
560 misrepresentation of fact and intended to deceive the reparations staff for the purpose of  
561 obtaining reparation funds for which the claimant is not eligible.

562 ~~[(16)]~~ (17) "Fund" means the Crime Victim Reparations Fund created in Section  
563 [63M-7-526](#).

564 ~~[(17)]~~ (18) "Law enforcement officer" means the same as that term is defined in  
565 Section [53-13-103](#).

566 ~~[(18)]~~ (19) (a) "Medical examination" means a physical examination necessary to  
567 document criminally injurious conduct.

568 (b) "Medical examination" does not include mental health evaluations for the  
569 prosecution and investigation of a crime.

570 ~~[(19)]~~ (20) "Mental health counseling" means outpatient and inpatient counseling  
571 necessitated as a result of criminally injurious conduct, is subject to rules made by the board in  
572 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

573 ~~[(20)]~~ (21) "Misconduct" means conduct by the victim that was attributable to the  
574 injury or death of the victim as provided by rules made by the board in accordance with Title  
575 63G, Chapter 3, Utah Administrative Rulemaking Act.

576 ~~[(21)]~~ (22) "Noneconomic detriment" means pain, suffering, inconvenience, physical  
577 impairment, and other nonpecuniary damage, except as provided in this part.

578 ~~[(22)]~~ (23) "Pecuniary loss" does not include loss attributable to pain and suffering  
579 except as otherwise provided in this part.

580 ~~[(23)]~~ (24) "Offender" means an individual who has violated Title 76, Utah Criminal  
581 Code, through criminally injurious conduct regardless of whether the individual is arrested,  
582 prosecuted, or convicted.

583 ~~[(24)]~~ (25) "Offense" means a violation of Title 76, Utah Criminal Code.

584 ~~[(25)]~~ (26) "Office" means the director, the reparations and assistance officers, and any  
585 other staff employed for the purpose of carrying out the provisions of this part.

586           ~~[(26)]~~ (27) "Perpetrator" means the individual who actually participated in the  
587 criminally injurious conduct.

588           ~~[(27)]~~ (28) "Reparations award" means money or other benefits provided to a claimant  
589 or to another on behalf of a claimant after the day on which a reparations claim is approved by  
590 the office.

591           ~~[(28)]~~ (29) "Reparations claim" means a claimant's request or application made to the  
592 office for a reparations award.

593           ~~[(29)]~~ (30) (a) "Reparations officer" means an individual employed by the office to  
594 investigate claims of victims and award reparations under this part.

595           (b) "Reparations officer" includes the director when the director is acting as a  
596 reparations officer.

597           ~~[(30)]~~ (31) "Replacement service loss" means expenses reasonably and necessarily  
598 incurred in obtaining ordinary and necessary services in lieu of those the injured individual  
599 would have performed, not for income but the benefit of the injured individual or the injured  
600 individual's dependents if the injured individual had not been injured.

601           ~~[(31)]~~ (32) (a) "Representative" means the victim, immediate family member, legal  
602 guardian, attorney, conservator, executor, or an heir of an individual.

603           (b) "Representative" does not include a service provider or collateral source.

604           ~~[(32)]~~ (33) "Restitution" means the same as that term is defined in Section [77-38b-102](#).

605           (34) (a) "Restitution record" means records of payments made to or on behalf of a  
606 victim.

607           (b) A restitution record includes:

608           (i) a notice of restitution;

609           (ii) a list of payments made by the office to or on behalf of a victim;

610           (iii) invoices from medical and mental health providers;

611           (iv) receipts submitted for reimbursement; and

612           (v) documentation which the office relies on to establish a nexus between the  
613 defendant's criminal conduct and the amount paid by the office.

614           ~~[(33)]~~ (35) "Secondary victim" means an individual who is traumatically affected by  
615 the criminally injurious conduct subject to rules made by the board in accordance with Title  
616 63G, Chapter 3, Utah Administrative Rulemaking Act.

617           ~~[(34)]~~ (36) "Service provider" means an individual or agency who provides a service to  
618 a victim for a monetary fee, except attorneys as provided in Section 63M-7-524.

619           ~~[(35)]~~ (37) "Serious bodily injury" means the same as that term is defined in Section  
620 76-1-601.

621           ~~[(36)]~~ (38) "Substantial bodily injury" means the same as that term is defined in  
622 Section 76-1-601.

623           ~~[(37)]~~ (39) (a) "Victim" means an individual who suffers bodily or psychological injury  
624 or death as a direct result of:

625           (i) criminally injurious conduct; or

626           (ii) the production of pornography in violation of Section 76-5b-201 if the individual is  
627 a minor.

628           (b) "Victim" does not include an individual who participated in or observed the judicial  
629 proceedings against an offender unless otherwise provided by statute or rule made in  
630 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

631           (c) "Victim" includes a resident of this state who is injured or killed by an act of  
632 terrorism, as defined in 18 U.S.C. Sec. 2331, committed outside of the United States.

633           ~~[(38)]~~ (40) "Work loss" means loss of income from work the injured victim would  
634 have performed if the injured victim had not been injured and expenses reasonably incurred by  
635 the injured victim in obtaining services in lieu of those the injured victim would have  
636 performed for income, reduced by any income from substitute work the injured victim was  
637 capable of performing but unreasonably failed to undertake.

638           Section 4. Section 63M-7-527 is enacted to read:

639           **63M-7-527. Records.**

640           (1) Confidential victim records and restitution records are not public records and may  
641 only be disclosed as provided in this section.

642           (2) A confidential victim record may be provided to:

643           (a) the victim who is the subject of the record, if the record requested does not contain  
644 mental health information;

645           (b) the person who submitted the record to the office; and

646           (c) law enforcement when the office suspects that a claim may be fraudulent.

647           (3) (a) If the office requests restitution in a criminal case, the office may provide a

648 restitution record to the assigned judge, prosecutor, and counsel for the defendant.  
649 (b) Prior to release of restitution records, the following information shall be redacted:  
650 (i) contact information of a victim or witness, including physical address, phone  
651 number, and email address;  
652 (ii) date of birth and social security number of a victim; and  
653 (iii) information which would jeopardize the health or safety of an individual.  
654 (c) Restitution records provided pursuant to this subsection may not be further  
655 disseminated, including to the defendant, unless the office and victim agree in writing to  
656 additional dissemination.